

Anno Regni  
**GEORGII II. Regis**  
*Magnæ Britanniae, Franciæ, & Hiberniæ*  
**S E X T O.**

At the Parliament Begun and Holden  
at *Westminster*, the Twenty third  
Day of *January*, Anno Dom. 1727.  
in the First Year of the Reign of our  
Sovereign Lord **G E O R G E** the  
Second, by the Grace of God, of  
*Great Britain, France, and Ireland*,  
King, Defender of the Faith, &c.

And from thence Continued by several Pro-  
rogations to the Sixteenth Day of *Janu-  
ary*, 1732. being the Sixth Session of this  
present Parliament.



**L O N D O N,**  
Printed by *John Baskett*, Printer to the  
King's most Excellent Majesty. 1733.

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Anno sexto

GEORGI II. Regis.

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An Act to recover and  
preserve the Navigation  
of the River *Dee*, in the  
County Palatine of *Che-*  
*ster*.



HEREAS by an Act of Par-  
liament made in the Eleventh  
and Twelfth Years of the Reign  
of the late King *William* the  
Third, intituled, *An Act to enable the*  
*Mayor and Citizens of Chester to recover*  
*and preserve the Navigation of the River*  
*Dee*, reciting, that the said River *Dee*  
was thentofore navigable for Ships and  
Vessels of a considerable Burthen from  
the Sea to the City of *Chester*, but by Neg-

*Preamble re-*  
*citing the Act*  
11 & 12 W. III.

lect of the said River, and for want of sufficient Banks, Works, and Fences on the Sides thereof, against the Flux and Reflux of the Sea, the Chanel of the said River was become so various and uncertain, that, by Sands and otherwise, the Navigation to the said City was almost lost and destroyed, the Mayor and Citizens of the said City of *Chester*, and their Successors, were impowered to make the said River navigable from the Sea to the said City of *Chester*, for Ships of One hundred Tuns or upwards, and to enable them so to do, certain Duties in the said Act mentioned were laid upon Coals, Lime, and Lime Stone, brought to and unloaded within the Liberties of the said City, for the Term of Twenty one Years, and the Property of the Sands, Soil, and Ground, therein mentioned, was immediately, from and after such time as the said River and Chanel should be made navigable and passable with and for such Ships and Vessels to and from the said City of *Chester*, to be vested in the said Mayor and Citizens, and their Successors for ever, and they were at liberty to defend, inclose, and improve the same, and receive the Rents and Profits thereof, and apply the same for maintaining and repairing the intended Works and Fences, and for making, erecting, and doing such further and other Works, Fences, and Things, from time to time,

as Occasion should require, for making and keeping the said River navigable : And whereas several considerable Sums of Money have been laid out and expended pursuant to the said Act, but the said River is not made navigable, the Provisions for making the same navigable by the said recited Act being insufficient, and the Time thereby granted for making the same navigable is now expired : And whereas the Sands, Soil, and Ground not bearing Grass, commonly called *The White Sands*, from the City of *Chester* to the Sea, and lying between the County of *Chester* on the North Side, and the County of *Flint* on the South Side, are of great Breadth in most Places, and the said River not being navigable is chiefly owing to the Breadth of the said Sands, and to the shifting of the Chanel from one Side thereof to the other, as the Winds and Tide vary : And whereas the said Sand, Soil, and Ground, commonly called *The White Sands*, are not, nor are likely to be of any Advantage or Benefit to any Person whatsoever, unless the said River be bounded in and made navigable by Sea Walls, Banks, and Fences, as aforesaid, which will require a very great Expence, as well to erect, as to maintain and repair from time to time, as Occasion shall require ; yet nevertheless, if the said Sands, Soil, or Ground, commonly called *The White Sands*,

*Sands*, were recovered from the Sea by Sea Walls, Banks, and Fences, as afore-said, ~~and~~ ~~the~~ ~~Channel~~ thereby confined to one certain Course, it would not only effectually make the said River navigable, but vesting the said *White Sands* in the Undertakers would be a considerable Encouragement to the Undertaking thereof: And whereas the making the said River navigable will be a means to advance the Trade of the said City, and great Benefit will accrue thereby to the Inhabitants thereof, and to the Towns and Countries adjacent or near the said River, as also be a means to increase the Number of Seamen and Watermen, and promote the publick Good of this Kingdom: May it therefore please Your most Excellent Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Nathaniel Kinderley* Gentleman, his Heirs and Assigns, and such Person or Persons as the said *Nathaniel Kinderley*, his Heirs, or Assigns, shall nominate and appoint, under his or their Hand and Seal, shall be, and are hereby appointed Undertakers of the said Navigation, and authorized and empowered, and shall have full Power and Authority by this present Act, at their

N. Kinderley,  
and his Assigns,  
impowered to  
make and keep  
navigable the  
River Dee, at  
their own  
Charge.

their own Costs and Charges, by themselves, their Deputies, Agents, Officers, Workmen, and Servants, from time to time, and at all times hereafter, to make and keep the said River *Dee* navigable from the Sea to a certain Point within the Liberties of the City of *Chester*, called *Wilcox Point*, in such manner, that there shall be Sixteen Foot Water in every Part of the said River, at a moderate Spring Tide, for Ships and Vessels to come and go to and from the said City; and to that end to alter, direct, and make, or cause to be altered, directed, and made, the Chanel of the said River, to run through such Part of the said Sand, Soil, and Ground, commonly called *The White Sands*, or the common Salt Marshes thereunto adjoining; or through the Marsh or Marshes of *John Wright Esquire*, commonly called *Brewers Hall Marsh*, as the said *Nathaniel Kinderley*, his Heirs, Assigns, or Nominees shall think fit; and to make, set up, and erect such and so many Banks, Walls, Sluices, Works, and Fences, in, upon, and through the said Sands, Soil, and Grounds, commonly called *The White Sands*, and the said common Salt Marshes adjoining thereunto, or in or upon the said Salt Marsh or Marshes of the said *John Wright Esquire*, commonly called *Brewers Hall Marsh*, for making, securing, maintaining, preserving, and continuing the said Chanel of



*Anno Regni sexto Georgii II. Regis.*

the said River within proper Bounds for  
the Use of the Navigation, as to the said  
Nathaniel Kinderley, his Heirs, Assigns,  
or Nominees, shall seem proper or con-  
venient ; and for that Purpose to cleanse,  
scower, open, and enlarge, or straiten  
and confine the said River and Chanel,  
or any Part or Parts thereof, and to dig  
and cut the said Soil, Ground, or Banks  
of the same, as to the said Nathaniel Kin-  
derley, his Heirs, Assigns, or Nominees,  
shall seem meet ; and likewise to cleanse,  
clean, scower, and open any other  
Streams, Brooks, Gutters, Ditches, or  
Watercourses near or adjoining to the  
said River, and to dig and cut the Banks  
of the same, and to make such and so ma-  
ny new Cuts, Trenches, or Passages for  
Water, in, upon, and through the said  
Sand, Soil, and Ground, called *The  
White Sands*, or the said common Salt  
Marshes thereunto adjoining, or in or up-  
on the said Salt Marsh or Marshes of the  
said John Wright Esquire, commonly call-  
ed *Brewers Hall Marsh*, as aforesaid, as  
the said Nathaniel Kinderley, his Heirs,  
Assigns, or Nominees, or the major part  
of them, shall think fit ; and also to dig,  
get, cut, remove, and carry away, and  
use such Clods, Earth, and Soil, Gravel,  
Stone, and other Materials, in, upon,  
or out of the said Sand, Soil, or Ground  
called *The White Sands*, or the said com-  
mon Salt Marshes adjoining thereunto,

or



or in or upon the said Salt Marsh or Marshes of the said *John Wright* Esquire, commonly called *Brewers Hall Marsh*, as he the said *Nathaniel Kinderley*, his Heirs, Assigns, or Nominees, shall think fit or necessary, either for making of the said River navigable, or for keeping the same navigable, or for the bringing in any other Streams, Brooks, or Watercourses into the said River, for the better carrying on and effecting the said Undertaking.

And to the end that all and every the Person and Persons the said *Nathaniel Kinderley*, his Heirs, Assigns, or Nominees, shall nominate and appoint to be Undertakers of the said Navigation, may be publickly known, be it enacted by the Authority aforesaid, That the said *Nathaniel Kinderley*, his Heirs, Assigns, or Nominees, shall, within Twelve Months from the Commencement of this Act, and before any Soil or Ground shall be cut, register or inroll the Names, Additions, and Places of Abode of all and every such Person and Persons, as he or they shall nominate and appoint in pursuance of this Act, with the Clerk of the Peace of the County of *Chester*, and the Town Clerk of the said City of *Chester* for the time being respectively, to be kept among the Records of the Sessions of the Peace for the said County and City, true Copies of which Registry or Inrollments,

*The Names of the Undertakers appointed by N. Kinderley to be inrolled within 12. Months,*

*and no Ground cut till such Inrollment.*

or either of them, shall be made out from time to time by the said Clerk of the Peace and Town Clerk, or either of them respectively, to such Person or Persons as shall require the same, which Copies shall be taken, adjudged, and deemed good and sufficient Evidence and Proof in any Court of Law or Equity.

And as the said *Nathaniel Kinderley*, His Heirs, Assigns, or Nominees, will necessarily be at a very considerable Charge and Expence in making the said River navigable, as also in repairing and keeping up the same fit for such Navigation as aforesaid, be it further enacted by the Authority aforesaid, That immediately from and after such time as the said *Nathaniel Kinderley*, his Heirs, Assigns, or Nominees, shall make the said River *Dee* navigable and passable with and for Ships and Vessels in manner as aforesaid, all Merchants, Owners and Proprietors of any Goods, Wares, Merchandizes, or other Commodities, that shall be brought into the said River and Chanel, and that shall be loaded at, or shipped off or sent from, the City of *Chester*, or at or from any other Place or Places whatsoever between the said City of *Chester* and *Park Gate* in the County of *Chester*, on the North Side, of the said River, and between the City of *Chester* and the Town of *Flint* in the County of *Flint*, on the South Side of the

*After the said River shall be made Navigable, the following Duties are to be paid.*

the said River, shall pay unto the said Nathaniel Kinderley, his Heirs, or Assigns, or Nominees, all and every such Duty, Tunnage, Sum and Sums of Money, as are hereafter particularly expressed; that is to say,

For every Tun of Goods, Wares, or Merchandizes, in every Ship or Vessel coming from or going to any Place or Places between St. David's Head and Carlisle, the Sum of six Pence; paving Stones, Slates, and Oysters excepted.

And for every Tun of Goods, Wares, and Merchandizes, in every Ship or Vessel coming from or going to any Place or Places whatsoever beyond St. David's Head and Carlisle, and not beyond the Lands End and the Shetland Isles in Scotland, the Sum of nine Pence.

And for every Tun of Goods, Wares, and Merchandize, in every Ship or Vessel coming from or going to any other Place or Places whatsoever within the Kingdoms of Great Britain, Ireland, and the Isle of Man, the Sum of one Shilling and six Pence.

And for every Tun of Goods, Wares, and Merchandizes whatsoever, in every Ship or Vessel coming from or going to any foreign Place or Places beyond the Seas (Pitch, Tar, and Timber broke or unbroke excepted) the Sum of two Shillings.

And for every Tun of Pitch, Tar, or Timber, broke or unbroke, in every Ship or Vessel coming from or going to any foreign Parts, Place or Places beyond the Seas, the Sum of one Shilling.

And for every Tun of Goods laden or unladen into or out of any Boat, Lighter, Barge, or other Vessel whatsoever, to be carried from or brought to *Chester*, in order to be put on board, or discharged from any Ship, Vessel, or other Boat lying at *Park Gate, Flint*, or other Place within the said Port of *Chester*, and below the new Cut or Chanel to be made in pursuance of this Act, the Sum of six Pence; and so after the same Rate and Proportion for every greater or lesser Quantity of all the said Goods, Wares, and Merchandizes.

*How the Duties shall be ascertained and paid.*

The said Tunnage and Duties payable for all such Goods, Wares, and Merchandizes to be ascertained by Weight or Measure, according to, and in the same Manner, as the Freight of such Goods, Wares, and Merchandizes shall be ascertained, and that the said Sum and Sums of Money, so to be paid as aforesaid, shall be paid, or secured to be paid, before the said Goods, Wares, and Merchandizes shall be unladed or delivered out of, or laden or shipped on board any Ship, Vessel, or Boat.

*Proviso.*

Provided nevertheless, That if the Master

Master or Commander of any Ship or Vessel, or the Merchant, Owner, or Proprietor of the Cargo in such Ship or Vessel, shall choose to pay the Duty and Tunnage payable by this Act, according to the Burthen of the Ship, and not according to the Weight and Quantity of the Goods, Wares, and Merchandizes contained therein, and such Master or Commander shall make such Declaration upon entring of his Ship inwards or outwards, that then, and in such Case, the said Duty and Tunnage shall be paid and received according to the Measure and Burthen of such Ship or Vessel, the same to be ascertained in the Manner hereafter mentioned (that is to say) by taking the Length of the Keel of every Ship or Vessel, so much as she treads on the Ground, and the Breadth to be taken by the Midship Beam from Plank to Plank, and half that Breadth shall be accounted for the Depth of every Ship or Vessel; then multiply the Breadth by the Length, and the Product thereof by the Depth, and divide the Whole by ninety four, and the Quotient will give the true Contents of the Tunnage, according to which Method and Rule all such Ships and Vessels shall be measured, and the several Duties of Tunnage thereby be computed and collected accordingly; any Custom, Practice, or Usage to the contrary notwithstanding.

Provided



*6 d. per Tun  
only to be paid  
by Vessels im-  
ployed by Lon-  
don Cheese-  
mongers not  
lading at Che-  
ster.*

Provided also, That if any Ship or Vessel, imployed by the Cheesemongers of the City of *London* in the Cheese Trade to the City of *Chester*, shall not go up to the City of *Chester*, or within any Part of the intended Works of Navigation, but shall have their Freight or Lading brought to and put on board such Ship or Vessel by Boats or Keels, the Sum of six Pence *per Tun*, and no more, shall be paid to the said *Nathaniel Kinderley*, his Heirs, Assigns, or Nominees, by the Master or Owner of every such Boat or Keel, for all Cheese or Lead so to be put on board such Ship or Vessel, in full Satisfaction and Discharge of all Dues, Duties, and Tunnage whatsoever.

*Duties on  
Skins or Wooll  
to be paid by  
Weight.*

Provided, That nothing in this Act shall extend to oblige the Skinners in the City of *Chester*, or any other Persons importing Skins or Wooll, to pay the Rates and Duties payable by this Act, any otherwise than according to the Weight thereof; and in case of any Dispute in adjusting the true Weight of any such Skins or Wooll, that the Importer or Importers shall, at his or their own proper Costs and Charges, provide proper and convenient Weights, Beams, and Scales for weighing the same.

*The Duties to  
be paid to the  
Collectors ap-  
pointed by N.  
Kinderley, or  
his Assigns.*

And be it further enacted by the Authority aforesaid, That the several Rates of Tunnage due and payable by this Act to the said *Nathaniel Kinderley*, his Heirs, Assigns,



Assigns, or Nominees, shall be paid to such Person or Persons as the said Nathaniel Kinderley, his Heirs, Assigns, or Nominees, or the major part of them, shall appoint to collect and receive the same, by the Masters, Commanders, or Owners of every such Ship, Vessel, or Boat, having on Board any Goods, Wares, and Merchandizes liable to the Payment thereof by this Act, before any such Ship, Vessel, or Boat, shall be cleared inwards or outwards, by any of the Officers of His Majesty's Customs at the said Port of Chester, and that the Customier, Collector, Comptroller, Surveyor, or Seacher, Waiter, or other Officer whatsoever, of or belonging to His Majesty's Customs, His Heirs, or Successors, shall not at any time, from and after the time that the said several Rates of Tunnage shall commence, and become due and payable, clear any Ship, Vessel, or Boat, inwards or outwards, having on Board any Goods, Wares, or Merchandizes liable to the Payment thereof, or grant, give, or make out any Coquet, Transire, Returns, or Discharges unto or for any Ship, Vessel, or Boat whatsoever, or shall permit or suffer any such Ship, Vessel, or Boat whatsoever to go out of Port, or to lade any Goods, in order to be put on Board any other Ship, Vessel, or Boat to be carried out of Port, until the said Master, Commander, or Owner of

*Vessels not to be cleared at the Custom-house, without a Certificate of the Payment of these Duties.*

*20-L. Penalty on Refusal to pay the Duties, or clearing Vessels without Certificate of Payment.*

of every such Ship, Vessel, or Boat respectively, shall and do produce unto such Officer or Officers, an Acquittance or Certificate signed by the said *Nathaniel Kinderley*, his Heirs, Assigns, or Nominees, or the Person or Persons appointed by the said *Nathaniel Kinderley*, his Heirs, Assigns, or Nominees, or the major Part of them, to receive and collect the same, whereby it shall appear, that such Master, Commander, or Owner or Owners, have duly and fully paid and discharged the said several Rates of Tunnage, which shall be due and payable as aforesaid; and every Master, Commander, and Owner of any such Ship, Vessel, or Boat, who shall refuse or neglect to pay the said Duty in the Manner before mentioned, limited, and appointed, for the Payment thereof, and also the Customer, Collector, Comptroller, Surveyor, Searcher, Waiter, or other Officer of the Customs, who shall make Default in any of the Premises enjoined them respectively by this Act, or shall in any wise act contrary to the Directions herein before mentioned, shall, for every such Refusal, Neglect, Default, or Act, forfeit the Sum of twenty Pounds, of lawful Money of *Great Britain*, to the said *Nathaniel Kinderley*, his Heirs, Assigns, or Nominees, to be recovered by Action of Debt in any Court of Record, by the said *Nathaniel Kinderley*, his Heirs, Assigns, or Nominees; who are hereby

hereby impowered to bring such Action or Actions, in which no Essoign, Protection, or Wager of Law shall be allowed.

And be it further enacted by the Authority aforesaid, That every Master, Commander, or Owner or Owners of every such Ship, Vessel, or Boat, having made Payment as aforesaid of the several Rates of Tunnage due and payable by this Act, shall have Allowance of and from the Merchant or Proprietor of the Goods, Wares, and Merchandizes of such Sum or Sums of Money, as he shall pay in pursuance of this Act, over and above the Freight due and payable for the same, to be repaid him upon Demand being made for that Purpose, and producing the Receipt or Acquittance for the Sum or Sums of Money paid as aforesaid.

*Proprietors of Goods to repay the Masters of Vessels*

Provided always, That in such case where the Master or Commander shall not choose and declare to pay the Duty and Tunnage payable by this Act, according to the Burthen of the Ship, but according to the Weight or Quantity of Goods, Wares, or Merchandizes on board, and that any Dispute or Difference shall arise betwixt the Collector of the Tunnage payable by this Act, and the Master of any such Ship or Vessel, or the Owner of any Goods, Wares, and Merchandizes liable to the Payment of any of the Duties, Tunnage, Sum or Sums of Money aforesaid, concerning the Weight

*If the Masters of Vessels choose to pay the Duties by Weight or Measure,*

*the Collector,  
in case of Dis-  
pute, may  
weigh and  
measure them.*

*When the Ma-  
sters shall pay  
for weighing or  
measuring.*

Weight and Quantity of the same, it shall and may be lawful to and for such Collector to weigh, measure, or gauge, or cause to be weighed, measured, or gauged, all Goods, Wares, and Merchandizes, at the time of the shipping or unshipping thereof; and in case such Goods, Wares, and Merchandizes shall, upon such weighing, measuring, or gauging, appear to be of as great or greater Quantity than such Collector did affirm and insist the same to be before the weighing thereof, whereby such and so much Monies or more should or shall be due and payable for the same, or such Collector shall have demanded for the same before the weighing, measuring, or gauging thereof, the Master of the said Ship or Vessel, or the Owner of such Goods, Wares, and Merchandizes, so weighed, shall pay and bear the Costs and Charges of such weighing, measuring, and gauging thereof.

*If Vessels laden  
with Cheese,  
and drawing  
14 Foot Water,  
cannot safely  
pass down the  
said River,*

And be it further enacted and declared by the Authority aforesaid; That when the Navigation shall be compleated, as intended by this Act, in case it shall not be found safe for Ships carrying Cheese from the City of Chester to London, drawing Fourteen Foot Water, to pass safely down the said River, when fully laden, and the Master, Commander, or Owner of such Ship or Vessel, or other Person, shall make Oath thereof before the said Commis-  
Commis-

Commissioners appointed by this Act, or any One or more of them, and that Notice thereof be given in Writing Fourteen Days before such Meeting, to the Collector, or Person appointed to receive the Tunnage payable by this Act, and a true Copy of the Oath made as aforesaid, therewith delivered, the said Commissioners, or any Thirteen of them, shall hear all Parties, and the Evidence that shall be given on each Side, and if it shall appear to them that it is not safe for a Ship or Vessel drawing Fourteen Foot Water fully loaden to pass safely, at a moderate Spring Tide, from Chester down the River, that then they the said Commissioners, or the major part of them, shall, by Warrant under their Hands and Seals, order and direct the said Nathaniel Kinderley, his Heirs, Assigns, or Nominees, within Twelve Months at the farthest, at their own Costs and Charges, by themselves, their Deputies, Agents, Workmen, or Servants, to make a convenient Wet Dock or Basen, within Two Miles of the lower Parts of the Works of Navigation, with proper Sluices, Canals, Flood Gates, and all other things necessary and convenient for a Dock, large enough to hold and receive Twenty Ships at least, and from time to time to support and keep, scower, cleanse, empty, and amend the same, when and as often as there shall be

*the Commissioners, on 14 Days Notice, are to inquire thereinto,*

*and may order N. Kinderley, &c. to make a Wet Dock capable of holding 20 Ships at least. nothing 2 Miles off lower parts of Navigation*



*Vessels may  
continue, load,  
and unload in  
the Wet Dock,  
paying the Du-  
ties.*

be need and Occasion so to do ; and it shall and may be lawful to and for any Ship or Vessel to enter and go into the said Dock, and there lie so long as such Master or Owner shall think fit, not exceeding Four Months, to load and unload any Goods, Wares, or Merchandizes whatsoever, paying for the same to the said Nathaniel Kinderley, his Heirs, Assigns, or Nominees, the several Rates and Duties following (that is to say) for every Ship or Vessel that goes into the said Dock or Basen the Sum of Two shillings and six pence, for opening and shutting the Gates of the said Dock or Basen, and no more ; and also for the Burthen of every Ship or Vessel loaden within the said Dock the Sum of Nine pence *per Tun*, and no more, the Burthen to be adjusted by the Admeasurement of such Ship or Vessel, in manner before directed and appointed, in which case nothing shall be paid for such Goods as shall be loaden or carried in any Boat, Lighter, or other Water Carriage, in order to be laden and put on board such Vessel lying in the said Dock, to be made and provided as aforesaid.

*If N. Kinderley,  
and his Assigns,  
shall not finish  
the Dock as di-  
rected by the  
Commissioners,*

And be it further enacted by the Authority aforesaid, That in case the said Nathaniel Kinderley, his Heirs, Assigns, or Nominees, do or shall not begin and finish such Dock or Basen in Manner, and according to the true Intent and Mean-



ing of this Act, within the time limited by the said Warrant of the said Commissioners, or the major part of them, duly signed and sealed as aforesaid ; or if the said *Nathaniel Kinderley*, his Heirs, Assigns, or Nominees, shall not from time to time maintain and keep the same in good and sufficient Repair, and cleanse and scower the same, when Need or Occasion shall require, it shall and may be lawful to and for the said Commissioners, or the major part of them, by Warrant under their Hands and Seals, to appoint such Person or Persons, as they shall think fit, to do the same, which said Person or Persons so nominated and appointed shall, when the Work shall be perfected, lay an Account of the Charges before the said Commissioners, who shall examine the Bills of Expences on that Account, and allow the same, as far as they shall think reasonable, and shall or may thereupon grant a Warrant directed to the Collector or Receiver, Collectors or Receivers, imployed by the said *Nathaniel Kinderley*, his Heirs, or Assigns, or Nominees, for collecting and receiving the Tunnage Dues, and other Profits granted by this Act, requiring the Payment of the Sum or Sums of Money laid out or expended in making or erecting such Dock or Bason as aforesaid, or in repairing, cleansing, or scouring the same ; and in case of Non-payment thereof within

*or neglect to keep it in Repair,*

*the Commissioners may appoint others to do it,*

*and reimburse  
the Charge out  
of the Tunnage  
Dues.*

within two Months from the producing of such Warrant to such Collector or Receiver, Collectors or Receivers, appointed by the said Warrant to receive the same, and Proof thereof being made before the said Commissioners, or the major Part of them, it shall and may be lawful for them to appoint any other Person or Persons to receive all the Tunnage, Dues, Rents, and other Profits of the Premises granted by this Act, until a sufficient Sum shall be received to pay all the said Charges and Expences, which shall be so allowed, and so much more as the said Commissioners shall judge reasonable to allow to the Person or Persons for collecting and receiving the same for his or their Trouble therein, and that from and after the Payment thereof, the said *Nathaniel Kinderley*, his Heirs, Assigns, or Nominees, shall be intituled to receive the said Dues, Duties, and Tunnage, and other Profits, to his and their own use, as before such Direction; any thing herein before contained to the contrary thereof notwithstanding.

*Certain Grounds  
vested in N.  
Kinderley, and  
his Assigns, on  
compleating  
the Navigation.*

And be it enacted by the Authority aforesaid, That for the better enabling the said *Nathaniel Kinderley*, his Heirs, Assigns, or Nominees, to make and keep the said River navigable as aforesaid, all that Sand, Soil, Ground, Marsh, and Salt Grass, lying and being between the New Tower in or near the said City of

Chester and the Marsh of John Crew Esquire, commonly called *Blacon Marsh*, and a certain Gutter called *Finchet's Gutter*, and between the inclosed Ground adjoining to the said Salt Grass and the said River, bounded upon the South by a right Line to be drawn directly West from the said New Tower to the said River, and upon the South-West and West by the said River and the *White Sands*, and upon the North and the North-East by the said *Blacon Marsh*, *Finchet's Gutter*, and the Stone-Bridge, and upon the East by the Starting Stone, and the inclosed Lands adjoining to the said Salt Grass, and all other the Sands, Soil, and Ground commonly called *The White Sands*, lying and being between the common Salt Marshes, on the South Side of the said River, and the Hundred of *Werrington*, in the said County of Chester, on the North Side of the said River, and between the Marsh or Marshes of *John Wright* Esquire, called *Brewers Hall Marsh*, and the Sea (the *White Sands* lying between *Mr. Robinson's Crane* and the said New Tower, and being Southward of the said Line above directed to be drawn directly West from the said New Tower to the said River, only excepted) shall, from and immediately after such Time as the said River shall be made navigable and passable for Ships and Vessels in manner afore said, be vested in the said *Nathaniel Kinderley*, his Heirs, Assigns, or

or Nominees, for ever, to the Use of the said *Nathaniel Kinderley*, his Heirs, Assigns, or Nominees, for ever; and that it shall and may be lawful to and for the said *Nathaniel Kinderley*, his Heirs, Assigns, and Nominees, to defend, inclose, and improve the said White Sands, Soil, and Ground, and to take the Rents and Profits thereof, to and for his and their proper Use and Uses; any Law, Statute, or Custom to the contrary in any wise notwithstanding; subject nevertheless to the Provisoos and Conditions herein after mentioned.

And to enable the said *Nathaniel Kinderley*, his Heirs, Assigns, or Nominees, to make and keep the said River navigable, be it further enacted by the Authority aforesaid, That so much of that Piece or Parcel of Land, Soil, or Ground, near and adjoining to the *Roodce*, within the Liberties of the said City of *Chester*, between the Cop and the River, *videlicet*, beginning at the Steps by the Sluice at *Wilcocks Point*, and extending it self along the Side of the said River towards Mr. *Robinson's* Crane, One hundred sixty five Yards, or thereabouts, and from thence South East to the said Cop; and also so much of the said *Roodce* to the Breadth of Thirty three Yards from the Face of the said Cop on the same Line, coming South East from the said River, and from thence turning South West parallel to the said Cop, One hundred and forty Yards, and from thence Westward to the afore-

said

saïd Steps near *Wilcox Point*, which saïd Piece of *Roodie* within the Cop contains One Acre twenty five Perches, or thereabouts; together with the Use in common with other Persons of a publick and convenient High Road and Way, for all Persons, Carts, and Carriages, to pass and repass to and from the saïd last mentioned Lands so described as aforesaid, from the Water Gate of the saïd City of *Chester*, shall, from and immediately after such time as the saïd River shall be made navigable and passable as aforesaid, be vested in the saïd *Nathaniel Kinderley*, his Heirs, Assigns, or Nominees, for ever, to the only proper Use and Behoof of the saïd *Nathaniel Kinderley*, his Heirs, Assigns, or Nominees, for ever.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the saïd *Nathaniel Kinderley*, his Heirs, Assigns, and Nominees, Servants, Agents, or Workmen, to take up, remove, and carry away, and use such Timber, Stone, and Materials, of the late Works of Navigation, as he the saïd *Nathaniel Kinderley*, his Heirs, Assigns, or Nominees, or the major part of them, shall think fit, for the Use of the intended Works of Navigation only, without making any Satisfaction for the same; and also to get, take, and carry away, and use such Stone as he or they shall think fit, in *Hough Green*, or any other

*N. Kinderley may use the Materials of the former Works, &c. without paying for them.*



of the waste Ground of the said City, on the South Side of the said River, for the Use of the Navigation only, without making any Satisfaction for the same.

And whereas the making the said River navigable, and all the Works proposed to be done for that Purpose, and for the Maintenance of the said River, ought to be without Prejudice to the several Owners or Occupiers of any Lands, Teneiments, or Hereditaments adjoining to and on either Side of the said River, Dee above or below the Bridge at Chester; and because all Prejudices, which shall be done such Owners or Occupiers of Lands, cannot by this Act be sufficiently provided for; therefore, for the better effecting the Premises, and due rating, settling, and adjusting the Matters and Things for which Satisfaction shall be given, according to the Intent of this Act, in case the said *Nathaniel Kinderley*, his Heirs, or Assigns, or Nominees, cannot beforehand agree with the respective Owners and Proprietors concerning the same; be it enacted by the Authority aforesaid, That the Right Honourable *James Earl of Barrimore*, of the Kingdom of Ireland; the Right Honourable *Richard Lord Viscount Bulkeley*, of the Kingdom of Ireland; the Honourable Sir *George Cholmondeley* Knight of the *Bath*, commonly called Lord Viscount *Malpas*; the Right Honourable

*Commissioners  
for adjusting  
Differences.*

*Lord*



Lord Viscount Vane, of the Kingdom of Ireland; Thomas Ashton of Ashley Esquire William Atkinson, Richard Aston, Esquires; Thomas Aldersey D. P. Sir Thomas Aston Baronet, Trafford Barnston, Roger Barnston, John Baskerville, Henry Bennet, Esquires; Sir John Berne Baronet, Thomas Browne, Thomas Bootle, Henry Bradshaw of Marple, Thomas Brereton, William Brock of Upton, Esquires; Sir Thomas Brooke Baronet, Richard Brooke, Peter Brooke of More, Esquires; the Reverend Mr. Thomas Brooke, Dean of Chester; Sir Charles Bunbury Baronet, Benjamin Bruen of Trefalen Esquire, Booth Bafnet Gentleman, Thomas Booth, Joseph Bunbury, William Bunbury, Robert Bevan D. P. Thomas Boland Alderman, Randle Bingley Alderman; George Ball, Ralph Bridge, Gentlemen; Sir Robert Salisbury Cotton Baronet, Lynch Salisbury Cotton, the Honourable James Cholmondeley, Charles Cholmondeley, Roger Comberbach, Seymour Cholmondeley, Hugh Clough, John Crew, John Crew junior, Esquires; James Croxton Gentleman, John Chambers Esquire, John Conway Clerk, Thomas Cratchley Esquire, Robert Cratchley senior, Robert Cratchley junior, John Cratchley, Gentlemen; Charles Crosby Esquire, Thomas Chamberlayne Gentleman, William Cooper Esquire, James Comberbach Alderman, John Cottingham, Thomas Carrington, Gentlemen; the Mayor, Recorder, and Aldermen of the City of Chester

for the time being, *Robert Davies* of *Manley*, *Richard Davenport* of *Courley*, *Peter Davenport*, *Edward Downes* of *Worth*, *Edward Downes* of *Slingley*, Esquires; *Sir Charles Duckenfield* Baronet, *Robert Davies* Esquire, *Richard Davies* of *Ruabon* Clerk, *Roger Davies* of *Dongray* Esquire, *William Dodd* of *Edge*, *William Dodd* of *Hampton*, Esquires; *Joseph Dyson* Merchant, *Sir Francis Edwards*, *Philip Egerton* of *Oulton*, *John Egerton* of *Broxton*, *John Egerton* of *Tannon*, *Thomas Eyres* of *Stockport*, *Kenrick Eyton*, *Thomas Eyton*, *William Edward Eyton*, *Robert Ellis*, Esquires; the Reverend *Mr. Edwards*, Vicar of *Wrexham*, *Peter Ellis*, *Thomas Eyton* de *Leefwood*, *Thomas Edwards* de *Brynford*, Esquires; *Francis Elcock* Esquire, *Thomas Edwards* Alderman, *Philip Fernibough* M. D. *John Foulkes* of *Erefiat*, Esquire, *Humphry Foulkes* D. D. *David Foulkes*, *James Foulkes*, *Ignatius Fox*, Gentlemen; Reverend *Mr. Fletcher* of *Hawerden*, *Robert Foulkes* of *Gloverston*, *William Faulkner*, *James Faulkner*, Esquires; *Arthur Fogg* D. D. *Charles Foulkes* Gentlemen, *Henry Frodsham* Surgeon, *James Gerard*, *William Glegg* of *Gayton*, *William Glegg* of *Grange*, *John Glegg* of *Backford*, Esquires; *Sir John Glynn* Baronet, *Nehemiah Griffith* of *Rhuall* Esquire, *Sir Robert Grosvenor* Baronet, *Edward Lloyd Gwyllym* Esquire, *Roger Griffith* of *Cefu* Gentleman, *Peregrine Gastrell* Esquire, Chancellor of *Chester*, *William Gamulle*, *Edward Green* of *Poolton*,

*Poolton, Edward Gastrell, Esquires ; Foot  
Gore Doctor of Physick, Joseph Hall of  
Chester, Gentleman, Robert Hayes of  
Northwich Esquire, Edward Hinks Gentle-  
man, Joseph Hodson Esquire, Joseph Hod-  
son junior, Gentleman, Thomas Hunt,  
Charles Hurlston of Newton, Esquires ; Ro-  
bert Heath, William Hulton, Cornelius Hig-  
net, Robert Hyde, Esquires ; Robert Hay-  
wood, John Holliwell, Thomas Hall, Gentle-  
men ; the Reverend Mr. Charles Hench-  
man, Thomas Holland of Tairdin, Thomas  
Hill, Esquires ; the Reverend Mr. Thomas  
Holland, Cawley Humberston Esquire, Sir  
Thomas Hanmer Baronet, Thomas Hanmer  
de Fenns, George Hope senior, George Hope  
junior, Esquires ; Francis Foddrel, Thomas  
Jones, Esquires ; Doctor Jones of Gallwa-  
nan, John Jones, Thomas Jones of Llandi-  
fillio, William Jones of Derven, Esquires ;  
Thomas Jones Doctor in Divinity, Edward  
Jones of Pool Park Gentleman, Thomas  
Jones de Kelyn Esquire, Andrew Kenrick seni-  
or, Andrew Kenrick junior, Thomas Kyffin,  
Esquires ; the Reverend Doctor Nathaniel  
Lancaster, John Lee of Darnall, Henry Legh  
of High Lee, Charles Legh, George Legh, E-  
squires ; Colonel John Legh of Adlington,  
Peter Legh of Lime, Esquire, Sir Francis  
Leycester of Talby, Baronet, Ralph Leycester E-  
squire, Sir Thomas Longueville Baronet, Ro-  
bert Lowe of Newton, Salisbury Lloyd, Thomas  
Lloyd of Overton, Edward Lloyd of Tudon,  
Edward Lloyd of Love Lane, Reece Lloyd*

of Rhydowen, Eubule Lloyd, Hedd Lloyd, John Lloyd of Trevas, Edward Lloyd of Llanarmon, John Lloyd of Foxall, John Lloyd of Green, Edward Lloyd of Plas Maddock, William Lloyd of Gwrych, Edward Lloyd of Horseley, John Lloyd de Pentcholin, Thomas Lleeche junior, Thomas Legh of Boothes, Esquires; George Low Gentleman, George Legh Doctor of Laws, James Mainwaring, James Mainwaring junior, Roger Mainwaring of Kirmingham, William Masterfon of Namptwitch, Richard Manley, Esquires; Sir William Meredith Baronet, Amos Meredith Esquire, the Honourable and Reverend Doctor Henry More, Sir Roger Mostyn Baronet, John Murrey Gentleman, Thomas Meredith, John Myddleton, John Myddleton of Gwennynog, John Meller, George Mears, Esquires; the Reverend Peter Morris Dean of Bangor, Thomas Mostyn of Maes Mynon, Gentleman, William Myddleton of Denbigh, Esquire; Edward Morgan de Golden Grove, Thomas Mostyn de Mostyn, Samuel Moston de Calcott, Edward Mainwaring junior, de Whitmore, Esquires; Thomas Mather, Edward Mainwaring, Richard Masssey, Esquires; the Reverend Mr. John Mapletost, John Marsden Gentlemen, Charles Mitton Merchant, Trafford Masssey Alderman, George Mainwaring Gentleman, John Manley Esquire; John Norbury of Chester, Gentleman, John Owen of Tu Newydd, William Owen, Arthur Owen of Brymbo, Richard Penkett Gentleman

man, Robert Piggot, John Pickering of Thelwell, Esquire; Sir Francis Poole Baronet, Thomas Puleston of Emerall, John Puleston of Pickhill, John Puleston of Havodywern, Humphry Parry, Robert Price, Henry Powell, William Price, Legh Page, Esquires; Doctor Powell Dean of Saint Asaph, the Reverend Mr. Hugh Poole, Edward Partington junior, Gentleman, the Reverend Mr. John Prescott, Peter Pennant, Roger Pennant, David Pennant, Edward Pennant, Humphry Perry de Pwllhallog, John Puleston de Farn, Francis Price, Esquires; Paul Patten, Edward Parry de Mertin, Gentlemen; Gerrard Parker Gentleman, Edward Rutter of Moore, William Robinson, Thomas Ravenscroft of Pickhill, Eubule Roberts of Llanhydd, Esquires; Charles Roberts of Denbigh, Gentleman, David Roberts, Bagot Reed, Esquires; Edward Roberts, Jonathan Robinson, John Salusbury of Backhagragg, George Shakerley, Jefferrey Shakerley, Esquires; William Smith, Gentleman, John Spencer Esquire; Thomas Salusbury Esquire; Thomas Tagg Gentleman, John Townshend of Holt, Esquire, Thomas Tylston M. D. Robert Townsend Gentleman, Simon Thelwall, Arthur Trevor, Esquires; George Venables Vernon Esquire, Richard Vaughan Esquire, Peter Wade of Middlewich, Gentleman, Charles Walley, Hugh Warburton, John Ward of Capesthorn, Edward Warren, Esquires; Sir John Warden Baronet, Thomas Whitley of Aston, William Widdens of Manley, Roger Wil-



*brabam of Namptwitch, John Williams, Hugh Williams, John Williams junior, Kyffin Williams, Esquires; Sir William Williams Baronet, Randal Wilbrabam of Odd Road, Esquire, the Reverend Mr. Arthur Williams, John Wright of Brewer-shall, William Wright of Offerton, Henry Wright of Mobberley, Edward Wright of Stretton, Esquires; Sir George Wynne Baronet, Watkin Williams Wynne, Gabriel Wettenhall, Nathaniel Wettenhall, Peter Warburton, Philip Henry Warburton, Joseph Whitmore, Esquires; Hugh Whitshaw Gentleman, Sir Walter Wagstaff Bagot, Sir Griffith Williams, Sir William Williams, Baronets; Edward Williams, Broughton Whitehall, Robert Wynne of Berthdu, John Wynn of Copper Llenny, Edward Wynn of Llanifid, Robert Wynn of Plas Newyd, Morris Wynn of Llwyn, John Wynn of Towr, Thomas Wynn of Dyffrinaled, Aquila Wykes, Robert Williams, Robert Wynn of Garthewin, Robert Wynn of Denbigh, Watkin Wynn of Voilas, Richard Williams, Esquires; Robert Wynn D. D. Hugh Wynn, D. D. Ellis Young of Brynyorkin, Simon York, Esquires; shall be and hereby are constituted and appointed Commissioners for settling, determining, and adjusting, in the Manner hereafter mentioned, all Matters, about which any Difference or Controversy shall or may arise between the said Nathaniel Kinderley, his Heirs, Assigns, or Nominees, and the Proprietors*

tors of any of the said Lands, Tenements, or Hereditaments.

And, in order to the settling and adjusting all such Differences, be it enacted by the Authority aforesaid, That upon the said *Nathaniel Kinderley*, his Heirs, Assigns, or Nominees, giving Notice of his or their Intentions of cutting any Marsh or Marshes, Lands or Tenements, adjoining to or on either Side of the said River, by affixing Notice on the Church Doors of the respective Parishes where such Lands lie, Fourteen Days at least before the Meeting of the said Commissioners, and that the said Commissioners are to meet to adjust and settle the Damage arising thereby; that then and in such Case, if any Person or Persons shall appear before the said Commissioners, and claim any Interest upon the said Marsh or Marshes, Lands, or Tenements, so to be cut and dug as aforesaid, and desire the said Commissioners to settle and adjust the Damage that may arise thereby, then and in such Case the said Commissioners, or any Seven or more of them, are hereby impowered and authorized, and shall have full Power and Authority, by Writing under their respective Hands and Seals, to settle and determine what Satisfaction any Person or Persons, Bodies Politick or Corporate, shall have for such Proportion of his, her, or their Marsh or Marshes, Lands, Tene-

*How Damages  
are to be ad-  
justed.*

*Commissioners  
Determination  
to be final, un-  
less Application  
be made for a  
Jury within a  
Month.*

ments, or Hereditaments, as shall be cut, digged, removed, or made use of, prejudiced, or destroyed, and for the Damage that shall be thereby sustained, and to settle and adjust what Satisfaction any Proprietor, Tenant, or other Person, having any particular Estate, Term, or Interest in any of the Premises, shall have or receive for his, her, or their respective Interest or Right; which said Determination of the said Commissioners, so to be made as aforesaid, shall be final and binding to all Parties interested, unless either Party shall think him, her, and themselves aggrieved, and shall give Notice in Writing, and make Application to have the said Damages assessed by a Jury, in the Manner hereafter mentioned, within Six Months next after such settling of Damages by the said Commissioners, as aforesaid; and in case no such Application for assessing of Damages by a Jury shall be made within the said time, as aforesaid, then such Order and Determination of the said Commissioners shall be recorded amongst the Records of the Great Sessions, for such County in which such Assessment of Damages shall be made, as aforesaid.

*How Damages  
are to be as-  
sessed by a Ju-  
ry.*

And be it further enacted by the Authority aforesaid, That if, after any such Determination by the said Commissioners, as aforesaid, either Party shall apprehend him, her, or themselves aggrieved, by  
any

any such Order or Determination of the said Commissioners, and such Person or Persons so apprehending him, her, or themselves aggrieved, shall give Notice in Writing under the Hand of him, her, or them, his, her, or their Agent or Attorney, by affixing the same on the Door of every Church of the several Parishes, in which any of the Marsh or Marshes, Lands, Tenements, or Hereditaments do lie, and also upon the Gate of the Castle of *Chester*, at least Fifteen Days next before the Great Session, to be holden for such County in which such Damages shall happen or arise, of his, her, or their Intention of having the said Damages, so settled by the said Commissioners as aforesaid, assessed by a Jury at the then next Great Session to be holden for such County, in which such Damages shall happen or arise, as aforesaid, that then, and in such case, the Justice or Justices of such Great Session for such County, as aforesaid, for the time being, are hereby authorized, impowered, and required, from time to time, upon the Application in Writing of such Party or Parties so aggrieved, as aforesaid, to him or them, by Juries of Twelve Persons, which Juries shall be taken out of the List of Jurors which shall be returned to serve on Juries at such Great Session, and shall be drawn out of the Glass or Box provided for that Purpose,

in the same manner as Juries for trial of Issues joined in such Counties are by the Laws now in force to be drawn, and such Juries shall upon their Oaths, to be administered by such Justice or Justices (which Oaths the said Justice or Justices are hereby authorized and required to administer) enquire of, and assess such Damages and Recompence, as they shall think fit to be given, made, and awarded, to the Owners of any such Marsh or Marshes, Lands, Tenements, or Hereditaments, or any part thereof, or to such Person or Persons, as shall have any Interest therein, or Profit arising therefrom, for or in respect of such Marsh or Marshes, Lands, Tenements, or Hereditaments, as shall be used for, or in any manner damnified by, the making, recovering, or preserving the said Navigation of the said River, or by any Works which shall be made or done, or shall be attempted to be made or done for that Purpose, or in respect of their respective Estates and Interest therein, and the said Justice or Justices of such Great Session for the time being are hereby impowered and required, from time to time, as Occasion shall require, to summon and call before him or them all and every Person and Persons whatsoever, as shall be thought proper and necessary to be examined as Witness or Witnesses before him or them touching and concerning the



the Premisses, and shall examine him, her, or them upon Oath, before such Jury or Juries (which Oath the said Justice or Justices are hereby impowered and required to administer) and the said Justice or Justices are also to order and authorize the said Jury to view the Place or Places, or Matters, in question, as they shall think fit, if either of the said Parties shall apply for the same; and after such Juries shall have brought in their Verdict touching such Damages, as aforesaid, the said Justice or Justices shall give Judgment for such Sums so assessed by such Juries respectively, which said Verdicts, and the Judgments, Decrees, or Determinations thereupon, declared and pronounced by the said Justice or Justices, shall not be removed, but shall be binding and conclusive, to all Intents and Purposes, against the King's Majesty, His Heirs, and Successors, and against all and every other Person or Persons whatsoever, their Heirs, Successors, Executors, Administrators, and Assigns, and all others claiming any Title or Interest to or in the same Marsh or Marshes, Lands, Tenements, and Hereditaments, or any thing thereunto belonging or appertaining, in Possession, Reversion, Remainder, or Expectancy, or otherwise, as well Infants, Females Covert, Tenants in Tail, and others, and their respective Heirs, Executors, and Administrators,

nistrators, and all claiming by, from, or under him, her, or them, or any of them.

*If the Justices of Great Session certify in 10 Days after Assessment, that the Damages assessed are too great, or too little,*

*either Party, on Payment of 50l. for Charges, may have the Damage re-assessed.*

Provided always, That if the said Justice or Justices of the said Great Session, or either of them, shall, within Ten Days next after such Damages shall be so assessed by such Juries, as aforesaid, upon the Application of either of the said Parties, who shall find him, her, or themselves aggrieved by such Assessment by such Jury, as aforesaid, certify under their or One of their Hands, that the Damage assessed by the said Juries are more or less than ought to have been given; it is hereby further enacted by the Authority aforesaid, That then and in such case, either or any of the said Parties, upon Payment of Fifty Pounds to the other Party, for the Costs and Charges of such former Assessment of Damages by such Juries, as aforesaid, shall and may, at the next Great Session to be held for the said County, have the said Damages re-assessed by a new Jury, to be drawn in such Manner and Form as aforesaid, and that the said Justice or Justices of the said Great Session shall have the like Powers and Authority to issue Warrants for such Witnesses or Witnesses, and to order the said Jury or Juries to view the said Matters in Question, and to give their Judgment, Decree, or Determination thereupon, as are

are herein before given upon the first Assessment of Damages, as aforesaid.

And it is hereby also further enacted, That such last mentioned Verdict, Judgment, Decree, and Determination, thereupon declared and pronounced by the said Justice or Justices of the said Great Session, shall not be removed, but be binding and conclusive to all Intents and Purposes against the King's Majesty, His Heirs, and Successors, and against all and every other Person and Persons whatsoever, their Heirs, Successors, Executors, Administrators, and Assigns, and all others claiming any Title or Interest in the same Lands, Tenements, or Hereditaments, or any thing thereunto belonging or appertaining, in Possession, Reversion, Remainder, or Expectancy, or otherwise, as well Infants, Females Covert, Tenants in Tail, or others, and their respective Heirs, Executors, and Administrators, and all claiming by, from, or under him, her, them, or any of them, in any wise; which said Orders, Judgments, Sentences, and Decrees, shall be recorded amongst the Records of the Great Session for the County in which such Assessments of Damages shall be made, as aforesaid.

*Such Determination to be final,†*

*and recorded.*

Provided always, That upon Payment of any such Sum or Sums so agreed on, or assessed and determined by the said Commissioners, as aforesaid, or found by the

*On Payment of the Sum assessed, N. Kinderley, &c. may make use of the Ground.*

the Verdicts of the said Jury, as aforesaid, to the Party or Parties to whom the same shall be respectively directed to be paid, as aforesaid, or to his, her, or their Attorney or Attornies duly authorized for that Purpose, or Tender thereof made at such Time and Place as the said Commissioners, or the said Justices, shall, in and by such Orders and Sentence, respectively direct and appoint; and if upon such Tender, as aforesaid, he, she, or they refuse, or shall not be willing to receive the same, then upon Payment of such Sum or Sums into the Hands of the Seal Keeper for the County Palatine of *Chester*, for the Use of the Party or Parties interested as aforesaid, it shall and may be lawful then, and not before, to and for the said *Nathaniel Kinderley*, his Heirs, Assigns, and Nominees, their Agents, Workmen, and Servants, to remove, dig, cut, carry away, or use so much of the said Marsh or Marshes, Lands, Tenements, or Hereditaments, for which such Satisfaction shall be assessed and decreed, as aforesaid, and thereon to make, erect, or do any Works, Matters, or Things, for the effecting and carrying on the said Navigation, and for the supporting and maintaining the same, as the said *Nathaniel Kinderley*, his Heirs, Assigns, or Nominees, shall think requisite, and to have, use, and enjoy the same, to and for his and their own Use and Benefit; and this Act shall be sufficient

sufficient to indemnify as well the said Commissioners as the said Nathaniel Kinderley, his Heirs, Assigns, or Nominees, and all Persons imployed and authorized by them, against the said Owners and Occupiers of such Marsh or Marshes, Lands, Tenements, and Hereditaments, their Heirs, Successors, Executors, Administrators, and Assigns, to all Intents and Purposes whatsoever.

Provided also, and be it further enacted by the Authority aforesaid, That if any Person or Persons, summoned, as aforesaid, to give Evidence, shall neglect or refuse to appear at such Time or Times, Place or Places, as shall be limited, mentioned, or appointed, in or by such Summon or Summons granted by the said Justice or Justices of the said Court of Great Session, for such respective County as aforesaid, or, appearing, shall refuse to be sworn and give Evidence, or to be examined by or before the said Justice or Justices, every Person or Persons so neglecting or refusing, and having no reasonable Excuse, shall forfeit and pay to the Party or Parties, at whose Instance he, she, or they shall be summoned, or to whom the said Justice or Justices shall appoint, for every such Neglect or Refusal, the Sum of Ten pounds, to be levied by Distress and Sale of the Goods or Chattels of the Person or Persons so neglecting or refusing, by Warrant or Warrants

101. *Penalty  
on Refusal to  
appear on  
Summons, &c.*



Warrants under the hands and Seals of the aforesaid Justice or Justices, rendring the Overplus to the Owner thereof, after such Distress and Sale made, if any be.

*Persons desiring that Damages be assessed by a Jury, to give 50 l. Security.*

Provided always nevertheless, That before the said Justice or Justices of the said Court of Great Session shall proceed to assess such Damages by a Jury, as aforesaid, such Person or Persons so giving Notice to have such Damages assessed by a Jury, as aforesaid, shall enter into a Recognizance, with sufficient Securities, before the Prothonotary for the said County, in which such Damages are to be so assessed, as aforesaid, in the Penalty of Fifty pounds, to answer and pay such Costs as the said Justice or Justices shall, upon such assessing of Damages, adjudge and direct, and not otherwise.

*No Jury to be allowed in cases wherein several Persons are interested, unless the Majority in Number or Value desire it.*

Provided always nevertheless, That where several Persons claim a Right or Title to or Interest in the same Marsh or Marshes, Lands, Tenements, or Hereditaments, and the Commissioners shall settle, adjust, and direct any Sum or Sums of Money to be paid to and amongst such Persons, for or in respect of any Matter or Thing to be compounded for, or intended to be made use of in the said Undertaking, that no Assessment of Damages by a Jury shall be allowed of by the Justice or Justices of the said Court of Great Sessions, unless the major part in Number or Value of such Persons

sons, to whom the said Commissioners shall have directed such Sum or Sums of Money to be paid, shall join together in giving such Notice, as aforesaid, to have the Damages assessed by a Jury, as aforesaid.

Provided always, and be it enacted by the Authority aforesaid, That in case the said *Nathaniel Kinderley*, his Heirs, Assigns, and Nominees, shall pay, or cause to be paid, the Sum or Sums, so assessed or determined by the said Commissioners, to such Person or Persons respectively, to whom the said Commissioners shall direct the same to be paid, as aforesaid, or, in case of their Refusal, or Neglect to accept thereof, shall pay, the same into the Hands of the Seal, Keeper for the County Palatine of *Chester*, and *Flint*, that it shall and may be lawful to and for the said *Nathaniel Kinderley*, his Heirs, Assigns, or Nominees, notwithstanding any Notice given for assessing of Damages by a Jury, as aforesaid, against the said Determination of the said Commissioners, as aforesaid, to proceed in cutting and digging the said Marsh or Marshes, Lands or Tenements, or to remove or otherwise make use of the same; any thing herein contained to the contrary notwithstanding.

Provided always, That in case the said Jury shall assess greater Damages to be paid than were settled or determined by the

*N. Kinderley, &c. on Payment of the Money assessed, may proceed in his Work, notwithstanding Notice given of a Jury,*

*On Undertakers Neglect to pay the Money assessed by Jury in 6 Months, Commissioners may appoint Persons to receive the Duties.*

the said Commissioners, that then the said *Nathaniel Kinderley*, his Heirs, Assigns, or Nominees, shall pay or cause to be paid such Sum or Sums, as shall be so assessed by the said Jury, as aforesaid, over and above what was so determined by the said Commissioners, as aforesaid, within the Space of Six Months from the assessing of such Damages by the said Jury; and in case the said *Nathaniel Kinderley*, his Heirs, Assigns, or Nominees, shall neglect or refuse to pay, or cause to be paid, such Sum or Sums of Money, as shall be so assessed by the said Jury, as aforesaid, it shall and may be lawful to and for the said Commissioners, or any Fifteen of them, to constitute and appoint, under their Hands and Seals, one or more Person or Persons to receive the Tunnage, Rates, and Duties arising by the said Navigation, and the Rents and Profits of the said Soil and Ground so to be vested in the Undertakers, as aforesaid, who, out of the said Tunnage, Rates, and Duties, Rents, and Profits, in the first Place shall pay and satisfy all and every the said Sum and Sums of Money so assessed by the said Jury, over and above what was settled or determined by the said Commissioners, as aforesaid; and the Payment of every of the said Duties or Tunnage, Rents or Profits, to such Receiver, shall be a good Discharge for the same against the said

said Nathaniel Kinderley, his Heirs, Assigns, or Nominees, and as effectual, to all Intents and Purposes whatsoever, as if the same had been paid to the said Nathaniel Kinderley, his Heirs, Assigns, or Nominees, or the Collector or Collectors, by him, them, or any of them nominated or appointed to receive the said Duties and Rents, and the Money which shall be paid to, or received by such Receiver or Receivers appointed, as aforesaid, shall and hereby is ordered to be esteemed as so much Money received to the Use of such Proprietors or Persons damaged, as aforesaid, till Satisfaction be made for such Damages so assessed by the Jury, as aforesaid.

Provided always, That in case the said Commissioners shall neglect or refuse to settle, adjust, and determine such Differences in six Months after such Notice has been given, as aforesaid, that then it shall and may be lawful to and for the said Nathaniel Kinderley, his Heirs, Assigns, or Nominees, to have the same adjusted and determined by the said Justice or Justices of the said Court of Great Session, in which such Damages shall arise, as aforesaid, in the same way and manner as is herein before directed by this Act, in case of either Party's apprehending themselves aggrieved by the Determination of the said Commissioners.

Provided always, That in case any  
Notice

*On Commissioners neglecting to adjust Differences 6 Months after Notice, Justices of Great Session may do it.*

*No Money to be paid by virtue of former Determination, till Damages assessed by a Jury.*

*If no Person claim in 20 Days after Notice, Undertakers may proceed.*

*How Damages occasioned by the River's overflowing are to be adjusted.*

Notice shall be given to have the Damages assessed by a Jury against any Determination of the said Commissioners, that no Money shall be paid by virtue of or under any such Determination, till such Damages shall be so assessed by a Jury, as aforesaid.

Provided always, That in case no Person or Persons shall, within Twenty Days after such Notice given by the said Nathaniel Kinderley, his Heirs, Assigns, or Nominees, as aforesaid, appear before the said Commissioners, and claim any Interest in the said Marsh or Marshes, Lands or Tenements, so intended to be dug, cut, or carried away, as aforesaid, that then it shall and may be lawful to and for the said Nathaniel Kinderley, his Heirs, Assigns, or Nominees, and they are hereby impowered and authorized to dig, cut, or carry away the said Marsh or Marshes, Lands or Tenements, whereof no Claim is made, as aforesaid, any thing herein contained to the contrary notwithstanding.

And be it further enacted by the Authority aforesaid, That if the said Nathaniel Kinderley, his Heirs, Assigns, or Nominees, shall, in pursuance of the Powers of this Act, by any means raise the Water in the said River called *Dee* above its antient and usual Heighth, whereby any of the Lands, Tenements, or Hereditaments before mentioned shall be overflowed



verflowed more than they formerly have been, and thereby receive any Damage, or in case any Loss or Damage shall at any time hereafter happen to any of the said Lands, Tenements, or Hereditaments, by reason or means of the Navigation aforesaid, or by reason or means of diverting or varying the present Course of the said River, or of any Works to be done or attempted in pursuance of this Act, or in case any Fishery or Fisheries upon the said River *Dee* shall be destroyed or damaged by any of the Means aforesaid, that then, and in either of the said Cases, if the said *Nathaniel Kinderley*, his Heirs, Assigns, or Nominees, and the Owner or Owners of such Lands, Tenements, Hereditaments, or Fisheries, shall not agree the same among themselves, the said Commissioners, or any Seven of them, and the said Justice or Justices of the Court of Great Session for such County, in which such Damages shall arise as aforesaid, shall from time to time settle, assess, and decree, in the manner aforesaid, such Recompence and Satisfaction to be made for the same to the Person or Persons injured or aggrieved, in such manner as for the other Satisfaction and Damages herein before mentioned are provided.

And to the Intent that a sufficient Provision may be made to answer such Damages, that shall arise to any of the Owners

*in N.H. of the  
owners shall  
not agree  
with them, & the  
Said Justice & Justices  
shall assess the  
same*

N. Kinderley  
to deposit  
10,000 l. as a  
Fund for an-  
swering Da-  
mages.

Owners or Proprietors of the said Marshes or Marshes, Lands, Tenements, or Hereditaments, and Fisheries, be it further enacted by the Authority aforesaid, That the said *Nathaniel Kinderley*, his Heirs, Assigns, or Nominees, shall invest the Sum of Ten thousand Pounds in *South Sea* Annuities, or other Government Securities, in the Name of *Thomas Revell* and *John Manley*, Esquires, *Benjamin Hoar* Esquire, and *John Bland* Banker, as Trustees for the Purposes herein after mentioned, and that the said Sum of Ten thousand Pounds shall remain as a Fund or Security to answer and make good such Damages, as aforesaid, for the Space of Three Years from and after the Works of Navigation, intended to be made by virtue of this Act, shall be fully perfected and compleated, or from and after the time herein limited for perfecting the same; and the said Trustees, in whom the said Sum of Ten thousand Pounds shall be so vested, pursuant to the Intention of this Act, shall immediately, after service of an Order in Writing under the Hands and Seals of the said Commissioners, or any Seven or more of them, or by the said Justice or Justices of the said Court of the Great Session for the County in which such Damages shall arise, as aforesaid, by whom such Damages shall be settled, or assessed, and decreed in manner as aforesaid, pay such

such Part and Proportions of such principal Sum, as the said Commissioners, or Justice or Justices respectively, shall direct and order to be paid, in Satisfaction of the Damage that shall be done to any of the said Marsh or Marshes, Lands, Tenements, Hereditaments, and Fisheries; and such Order of the said Commissioners, Justice or Justices, as aforesaid, shall be a sufficient Authority to the said Trustees, in whom the said Sum of Ten thousand Pounds, shall be vested, as aforesaid, or the Survivor or Survivors of them, for the Payment of such Sum and Sums of Money, as shall be thereby ordered and directed to be paid.

Provided always, That the said Nathaniel Kinderley, his Heirs, Assigns, or Nominees, shall not do any Works whatsoever, whereby, or by Means whereof, the said Marsh or Marshes, Lands, Tenements, Hereditaments, and Fisheries, or any of them, shall or may be destroyed, or in any manner prejudiced, until the said Sum of Ten thousand pounds shall be vested in the said Thomas Revell, John Manley, and Benjamin Hoar, Esquires, and John Bland Banker, Trustees for the Purposes aforesaid.

*No Works prejudicial to Lands, &c. to be begun till the Deposit be made.*

Provided always, That the Dividends and Profits, that shall from time to time arise or become due, for or in respect of the said Sum of Ten thousand pounds, shall be vested in the said Trustees, as aforesaid,

*How the Money so deposited shall be disposed of.*

said, or such Part thereof as shall remain in their Hands, shall be paid to the said *Nathaniel Kinderley*, his Heirs, Assigns, or Nominees, and that such Part of the said Principal Sum of Ten thousand Pounds, as shall remain in the Hands of the said Trustees after the Expiration of the said Term of Three Years, to be computed as aforesaid, and after Payment of the Monies, as shall be ordered and awarded by the Commissioners, or Justice or Justices, within that Time, shall also be paid to the said *Nathaniel Kinderley*, his Heirs, Assigns, or Nominees.

*After 3 Years,  
the Duties li-  
able to answer  
Damages.*

Provided always, That from and after the Expiration of the said Term of Three Years, to be computed as aforesaid, the Rates and Duties accruing and arising, by virtue of this Act, shall from time to time be liable to answer and satisfy the said Damages, in such Manner as the said Commissioners, or any Seven or more of them, and the said Justice or Justices of the said Court of Great Session, shall direct and decree; and in case the said *Nathaniel Kinderley*, his Heirs, Assigns, or Nominees, shall not (being thereto required) satisfy, recompense, and pay such Damage, according to such Order or Direction of the said Commissioners, and Justice or Justices of the said Court of Great Session, it shall and may be lawful to and for the said Commissioners, or any Seven of them, to constitute and appoint,

appoint, under their Hands and Seals, one or more Person or Persons to receive the Tunnage, Rates, and Duties arising by the said Navigation, who shall, out of the said Tunnage, Rates and Duties, in the first Place pay and satisfy all and every Sum and Sums of Money, so to be ordered or directed to be paid for Damages, as aforesaid; and the Payment of every of the said Duties or Tunnage to such Receiver or Receivers, so to be appointed, shall be a good Discharge for the same against the said Nathaniel Kinderley, his Heirs, Assigns, or Nominees, and as effectual to all Intents and Purposes whatsoever, as if the same had been paid to the said Nathaniel Kinderley, his Heirs, Assigns, and Nominees, or the Collector or Collectors by him, them, or any of them nominated or appointed to receive the Duties aforesaid; and the Monies which shall be so paid to or received by such Receiver or Receivers, appointed as aforesaid, shall and is hereby ordered to be esteemed as so much Money received to the Use of such Proprietors or Persons suffering Damage, as aforesaid, till Satisfaction be made for such Damages so ordered, as aforesaid; all which said Monies, so to be paid to satisfy such Damages, shall be received and taken in Order and Course successively, as such Determination for the same shall be in Priority of Time, and shall be



taken, had, and received, from every of the Person or Persons aforesaid, liable to the Payment of any of the said Rates and Duties, as aforesaid, in such Manner and by and with the like Powers and Authorities, as the same are herein before appointed to be taken, had, and received by the said *Nathaniel Kinderley*, his Heirs, Assigns, or Nominees; and in case it shall happen that the said Tunnage Rates, and Duties shall not be sufficient to satisfy and make good the said Damages that then, and in such Case, it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, by Writing under their Hands and Seals to authorize and empower the Person or Persons, who shall have sustained such Damage, as aforesaid, to enter into and upon the said White Sands, Lands, Grounds, Marsh, and Salt Grass intended to be imbanked, or to be hereby vested in the said *Nathaniel Kinderley*, his Heirs, or Assigns, or any Part thereof, and to receive and take the Rents, Issues, and Profits thereof, and from time to time to distrain for the same, as they shall think fit, until the Damage and Costs, which shall be ordered and adjudged to the Person or Persons who shall be damaged, shall be fully satisfied and paid.

And for the more effectual securing the Payment of all such Damages, as shall be directed

directed to be paid or satisfied, as aforesaid, be it further enacted by the Authority aforesaid, That in case the said Tunnage, Duties, and Rates, shall not be sufficient to answer, pay, and satisfy such Damages aforesaid, that then, and in such case, all and singular the White Sands, and all other Premises hereby vested in the said Nathaniel Kinderley, his Heirs, Assigns, or Nominees, shall be and are hereby declared to be subject and liable to the Payment of and making Satisfaction for all such Damages, as shall be directed to be paid and satisfied, as aforesaid.

*If Duties be not sufficient to answer Damages, Premises liable.*

And be it further enacted by the Authority aforesaid, That all the said Commissioners Proceedings in or about the Premises, and the Verdicts of all Juries so to be taken, and all Orders, Sentences, and Decrees so to be made, as aforesaid, and all Instruments, whereby new Commissioners shall from time to time be appointed, and all other Proceedings about the said Navigation, or any the Matters aforesaid, shall be fairly written on Parchment by the Commissioners Clerk, and certified under the Hands and Seals of the acting Commissioners, or any Seven or more of them, and by them transmitted to the Clerk of the Peace for the said County of Chester, for the time being, who is hereby required to receive and deliver the same, among the Records

*Proceedings and Verdicts to be written on Parchment,*

*and transmitted to the Clerk of the Peace.*

of the said County, to the *Custos Rotularum* of the said County for the time being and the same shall be adjudged, deemed and taken to be Records, to all Intents and Purposes whatsoever, and the same or true Copies thereof, and of every Matter and Thing therein, shall be allowed as Evidence in any Court whatsoever; and all Persons may have Recourse to the same *gratis*, and take Copies thereof, paying for every Copy not exceeding Two hundred Words, Six pence and so proportionably for any greater or lesser Number of Words.

*After Satisfaction of Damages, the Receiver's Power appointed by the Commissioners to cease.*

Provided always, and be it enacted by the Authority aforesaid, That from and immediately after any Damages and Costs, so ordered and directed to be paid as aforesaid, shall be satisfied and recompensed, the Power and Authority of such Receiver or Receivers to be appointed by the said Commissioners, as aforesaid shall cease and determine; any thing herein before contained to the contrary in any wise notwithstanding.

*No Commissioner to act where personally concerned.*

Provided always, That no Commissioner or Commissioners shall sit or act in any Case, where he or they are in any way directly or indirectly interested or concerned of or in the Matter or Matters in question, and that no Person or Persons shall act as a Commissioner or Commissioners under this Act, unless he or they shall, at the time of such acting, be respectively

respectively seized of an Estate of Freehold Lands, Tenements, or Hereditaments, of the Value of One hundred Pounds *per Annum*, the Mayor, Recorder, and Aldermen of the City of *Chester*, for the time being, only excepted.

Provided also, That the said Commissioners, and every of them, before he or they take upon him or them the Execution of any of the Powers or Authorities hereby given them (other than the administering the Oath following to one another, which they shall have Authority by this Act to administer to one another) shall take the Oath following, *videlicet*,

**I** A. B. *shall and will, without Favour or Affection, Hatred or Malice, truly and impartially, according to the best of my Skill and Knowledge, execute and perform all and every the Powers and Authorities as a Commissioner appointed in pursuance of an Act, intituled, An Act to recover and preserve the Navigation of the River Dee in the County Palatine of Chester.*

Commissioners  
Oath.

Which Oath the said Commissioners, or any One or more of them, are hereby authorized and impowered to administer at their Meeting or Meetings in pursuance of this Act.

*Time and Place  
of Commissioners  
Meetings.*

And be it further enacted by the Authority aforesaid, That the said Commissioners shall, and they are hereby directed to meet, at the *Shire Hall* in the Castle of *Chester*, on the First *Tuesday* of *August* next to come, and so on every First *Tuesday* of *August*, in every Year, and shall and may, and they are hereby authorized from time to time to adjourn themselves to meet at such Place or Places, and such times, as they, or the majority of the Commissioners then present, shall direct and appoint ; and that, for supplying the Numbers of the said Commissioners in case of Death, or any of their refusal to act, the surviving or other Commissioners, or any Fifteen or more of them, may assemble and meet together at the *Shire Hall* aforesaid, upon the First *Tuesday* in the Month of *August* in every Year, for the Election of One or more new Commissioner or Commissioners, as the case shall require, to supply their Places, giving Fifteen Days Notice at the least of the Time and Place of such Meeting and Meetings, by affixing such Notice in Writing at and upon the Castle Gate of *Chester*, and the Town Halls of *Chester*, *Flint*, and *Wrexham*, Fifteen Days at least before the Time of such Meeting ; and in case there shall be Fifteen or more of the Commissioners assembled together at the Time and Place so appointed for such Meeting, they shall  
and



and may proceed to elect One or more new Commissioner or Commissioners in lieu of such of the said Commissioners, as shall be dead or refuse to act; and the Person or Persons, who shall be chosen by the majority of such Fifteen or more Commissioners there present, shall be recorded by the Clerk of the said Commissioners to be so chosen, and shall from thenceforth, in case they shall be duly qualified, as aforesaid, be and act as Commissioner or Commissioners, as aforesaid, and shall have the same Power and Authority in all things relating to the Matters aforesaid.

And for preventing the filling up or choaking the Navigation of the said River, be it enacted by the Authority aforesaid, That no Master or Owner of any Ship, Vessel, or Boat, that shall come within the Limits of the said intended Navigation, shall empty or throw, or cause, permit, or suffer any Ballast to be emptied or thrown out of any such Ship, Vessel, or Boat, into the said River within the Limits aforesaid, under the Penalty of Twenty pounds for every such Offence, to be recovered by Action of Debt in any Court of Record by the said Nathaniel Kinderley, his Heirs, Assigns, or Nominees, who are hereby empowered to bring such Action or Actions, in which no Essoign, Protection, or Wager of Law shall be allowed.

20 l. Penalty  
on emptying  
Ballast to pre-  
judice the  
River.

*Proviso relating to Ballast.*

Provided always nevertheless, That the Master or Owner of any such Ship or Vessel shall be at liberty, from time to time, to throw or cause any such Ballast to be thrown out of any such Ship or Vessel on the sides of the said River, within any Part of the Limits of the said intended Navigation above High Water Mark; and also, that any such Master or Owner of any such Ship or Vessel outward bound shall, and lawfully may, from time to time, get and take up any Quantity of Ballast out of the Chanel of the said new intended River for such Ship or Vessel outward bound, as aforesaid; and in case there cannot be sufficient Ballast got in the said Chanel, every Master or Owner of every such outward bound Vessel or Ship shall take any of the Ballast that shall lie on the sides of the said River, without making any Satisfaction for the same, so that in the throwing out, getting, or taking up of such Ballast, no Damage be done to the said intended Navigation, or any of the Works belonging thereto.

*Masters answerable for Damages done by Servants.*

And for preventing of Damages or Mischiefs, that may be wilfully done by any rude or disorderly Persons navigating or rowing Ships, Boats, Barges, or other Vessels, in or upon the said River, within the Limits of the said intended Navigation, and to the end that the Owners or Masters thereof may be more careful therein,

therein, be it enacted by the Authority  
aforesaid, That the Master or Owner  
of every Ship, Boat, Barge, or other  
Vessel, shall be, and is hereby made an-  
swerable and responsible for any Damage  
or Michief, that shall be wilfully done  
by his Ship, Boat, Barge, or Vessel, or  
any of his Crew, Boatmen, Bargemen,  
or Watermen, to any of the Works of  
the said intended Navigation; and all  
such Damages shall be recovered from  
the said Master or Owner of any Ship,  
Boat, Barge, or other Vessel, by the said  
*Nathaniel Kinderley*, his Heirs, Assigns,  
or Nominees, in such and the same Man-  
ner, as the Penalties and Forfeitures,  
that shall be incurred by throwing Bal-  
last into the said River, are above direct-  
ed to be recovered.

And it is hereby provided and further *Pleasure Boats,*  
enacted by the Authority aforesaid, That  
it shall and may be lawful to and for any  
Person or Persons whatsoever to use any  
Pleasure Boat or Boats upon the said  
River, within the Limits of the said in-  
tended Navigation, without any In-  
terruption from the said *Nathaniel*  
*Kinderley*, his Heirs, Assigns, or Nomi-  
nees, without paying any Rates or Du-  
ties for the same, so as the said Pleasure  
Boat or Boats is or are not made use of  
for carrying any Goods or Merchandizes  
whatsoever.

Provided always, That this Act, nor  
C 6 any

*Royalties and  
Liberties of  
fishing not to be  
prejudiced.*

any thing herein contained, shall be construed to extend to prejudice the Lords, Owners or Proprietors of any Royalties and Liberties of Fishing and Fowling upon the said River, or any their respective Rights and Privileges of Fishing and Fowling in and upon the same.

*Time limited  
for beginning  
and finishing  
the Work.*

And be it further enacted by the Authority aforesaid, That in case the said Nathaniel Kinderley, his Heirs, Assigns, or Nominees, do or shall not begin the said Undertaking on or before the Twenty fourth Day of *June*, One thousand seven hundred and thirty five, and finish the same in making the said River navigable, according to the Intent and true Meaning of this Act, on or before the Twenty fourth Day of *June*, One thousand seven hundred and forty two, all and every the Powers, Authorities, Rights, Privileges, and Interest of the said Nathaniel Kinderley, his Heirs, Assigns, and Nominees, shall cease, determine, and be utterly void.

*No Shares to be  
disposed of till  
the River be  
navigable.*

And be it enacted by the Authority aforesaid, That it shall not be lawful for any Proprietor or Undertaker, or his, her, or their Heirs, or any Person or Persons claiming under them, or any of them, to sell, assign, aliene, alter, or dispose of, by any Ways or Means whatsoever, his, her, or their Interest in the said Undertaking, or any Part or Share thereof, to any Person or Persons whatsoever,

fover, before or until such Time as the said River shall be made navigable in manner aforesaid, and that any Bargain, Contract, Sale, Assignment, Alienation, Alteration, or Disposition of any such Interest, and all Matters and Things relating thereto, shall be null and void to all Intents and Purposes whatsoever.

Provided nevertheless, That it shall and may be lawful for the Commissioners above named, or any Thirteen of them, at any of such their Meetings, as aforesaid, and afterwards from time to time, as Occasion shall require, to appoint and set out a necessary and convenient Road or Roads in any one or more Place or Places over the Sands, Soil, and Ground within the Compass and Limits of the Works of Navigation, which Road or Roads shall be maintained and repaired from time to time by the said Nathaniel Kinderley, his Heirs, Assigns, or Nominees, for ever.

*Commissioners  
may set out  
Roads within  
the Limits of  
the Navigation.*

And be it further enacted by the Authority aforesaid, That in case the Chancel of the said River shall by the said Navigation become so deep, as that at low Water, when the Tide of Sea is out, and no Flood of fresh Water is in the River, the same shall not be fordable for Passengers on Horseback, or for Carts or Carriages, in any Part of the said River, within the Compass and Limits of the Works of Navigation, that then the said

*If the River be  
not fordable on  
Horseback,  
Commissioners  
may order 2  
free Ferry  
Boats.*



said Commissioners, or any Thirteen or more of them, shall and may in such case only, and not otherwise, by Warrant or Order in Writing under their Hands and Seals, and by and with the Licence and Consent of the Owners of the Land and Ground on both Sides of the said River, testified by their Sealing and Execution of such Order and Warrant in Writing, direct and appoint the said *Nathaniel Kinderley*, his Heirs, Assigns, or Nominees, within the Space of Three Months, to erect and continue, use, and imploy two sufficient free Ferry Boats, with all Necessaries and Attendances proper thereunto, for the publick Use and Benefit of all His Majesty's Subjects, to pass and repass without paying any thing for the same, in two such convenient Places upon the said River, between the City of *Chester* and the Limits of the Works of Navigation, as the said Commissioners so directing and appointing, and Owners so licensing and consenting, as aforesaid, shall think fit to order and direct : And in case of any wilful Default or Neglect therein by the said *Nathaniel Kinderley*, his Heirs, Assigns, or Nominees, the said Commissioners, or any Thirteen or more of them, shall and may impose upon the said *Nathaniel Kinderley*, his Heirs, Assigns, or Nominees, such reasonable Penalty for the same, as they in their Discretion shall think fit, to be recovered

recovered in such Manner, as the Damages that may be sustained by this Act are made recoverable.

Provided always, That nothing in this Act shall extend, or be construed to extend, to give the said *Nathaniel Kinderley*, his Heirs, Assigns, or Nominees, any Power or Authority to raise, or in any other respect alter, the present Causeway above *Chester* Bridge, or to make any other Causeway below Bridge, so as either to raise or obstruct the Current of the River.

*The Causeway above Chester Bridge not to be altered.*

And be it further enacted by the Authority aforesaid, That if any Action, Suit, or Information shall be commenced or prosecuted against the said *Nathaniel Kinderley*, his Heirs, Assigns, or Nominees, or against any Person or Persons for or concerning any Matter or Thing that he or they shall do or cause to be done in pursuance of this Act, or executing any of the Powers or Authorities, or any of the Orders or Directions, made, given, or directed, in, by, or under this Act, by the said *Nathaniel Kinderley*, his Heirs, Assigns, or Nominees, and all and every such Person or Persons so sued or prosecuted in any Court whatsoever, shall and may plead the General Issue, and give this Act, or any Clause, Matter, or Thing therein, and the special Matters contained, in Evidence to the Jury that shall try the same, for their Justification, without

*General Issue.*

without specially pleading the same, and shall thereupon take Advantage of this Act as fully, to all Intents and Purposes, as if the same had been specially, fully, and well pleaded.

*Penalty on giving false Evidence.*

And be it enacted by the Authority aforesaid, That all and every Person and Persons who, in any Examination directed to be taken by this Act, shall give false Evidence or Information before the Commissioners hereby appointed, shall and may be prosecuted for the same, and being convicted thereof shall be subject and liable to all the Pains and Penalties, which any Person or Persons can or may by the Laws and Statutes of this Realm, be subject and liable to for wilful and corrupt Perjury.

*Persons damaging the Banks or Works guilty of Felony.*

And for preventing the throwing down or damaging any of the Works which shall be erected or made in pursuance of this Act, be it enacted by the Authority aforesaid, That if any Person or Persons shall wilfully and maliciously cut, break down, damage, or destroy any Banks or other Works erected or made for the Purpose aforesaid, to the Prejudice of the Navigation hereby intended to be made, such Person or Persons shall be adjudged guilty of Felony, and every such Felon and Felons shall be subject and liable to the like Pains and Penalties as in Cases of Felony, and the Courts, by and before whom such Person or Persons shall be

be tried, shall, and hereby have Power and Authority to transport such Felons for the Space of Seven Years, in like Manner as other Felons are directed to be transported by the Laws and Statutes of this Realm.

Provided also, and it is hereby enacted by the Authority aforesaid, That the said River called *Dee*, so far as the Works of the said Navigation shall extend, or any of the Matters or Things that shall be made, erected, or used for making and keeping the said River navigable, shall not be under the Survey or Order of any Commission of Sewers, nor subject thereto.

*The said Navigation not subject to a Commission of Sewers.*

And be it further enacted by the Authority aforesaid, That this Act (in case any Doubt shall arise about the Exposition of this Act) shall be deemed, construed, and taken in such Manner as shall be most beneficial and advantageous for the Purposes aforesaid, in making the said River navigable, and in preserving and continuing the Navigation thereof for ever, according to the true Intent and Meaning of this Act.

*This Act to be construed most beneficially for completing the Navigation,*

Provided always nevertheless, That nothing in this Act contained shall extend, or be deemed or construed to extend, to affect the Rights of the Mayor and Citizens of the said City of *Chester*, and their Successors, of, in, and to all or any of their Land, Soil, and Ground, not vested

*but not to affect the Rights of the City of Chester, &c.*

ed by this Act in the said *Nathaniel Kinderley*, his Heirs, Assigns, or Nominees, for the Purposes aforesaid, or the Right of any Person or Persons claiming by, from, or under them, by virtue of any Lease or Leases already made or granted to such Person or Persons by the said Mayor and Citizens, or to obstruct or hinder the said Mayor or Citizens, or their Successors, from making or erecting any Ware-houses, Weigh-beams, Cranes, Keys, Landing-places, or Wharfs, upon the said River, in and upon their own Lands, Wastes, or Grounds, so that the erecting of such Ware-houses, Cranes, or Wharfs do not obstruct or prejudice the said Navigation, or any of the Powers given by this Act; and all Rents, Rates, Dues, and Duties, that shall be paid for the Use and Benefit of such Ware-houses, Cranes, or Wharfs, so to be erected by the said Mayor and Citizens, are hereby vested in the said Mayor and Citizens, and their Successors.

*nor the Right  
of Sir R. Gros-  
venor on the  
River,*

Provided always nevertheless, That nothing in this Act shall extend, or be deemed or construed to extend, to prejudice, hinder, or affect any Right, Power, or Jurisdiction, that *Sir Robert Grosvenor* Baronet, or his Ancestors, had, has, or may have in or upon the said River.

Provided always nevertheless, That nothing in this Act contained shall extend, or be deemed or construed to extend



tend to prejudice the Right, Interest, or Property of *Jonathan Robinson* Gentleman, his Heirs, Executors, Administrators, or Assigns, of, in, or to all or any of the Lands, Ware-houses, Cranes, Docks, or Buildings he is now seized of, adjoining to the said River, at or near the said City of *Chester*.

nor the Lands  
of J. Robinson,

Provided always, That nothing in this Act contained shall extend, or be construed to extend to hinder or restrain *John Crew* Esquire, or the Lords, Owners, and Proprietors of the Manor or Lordship of *Blacon*, in the County of *Chester*, for the time being, from having, using, and enjoying all such Lands, Grounds, Marshes, Sand, and Salt Grass, being part of the said Manor of *Blacon*, as were formerly *Greensword*, and all Rights, Liberties, and Privileges thereunto belonging, according to his or their respective Estates, Right, or Interest therein, in such Manner, and with such Benefit and Advantage, as he or they could, might, or ought to have done, in case this Act had never been made, not inconsistent with, or that do not extend to hinder, obstruct, or disappoint the setting on Foot and carrying on the said Works; any thing in this Act contained to the contrary thereof in any wise notwithstanding.

nor to restrain  
J. Crew, or the  
Lords of the  
Manor of Bla-  
con, from using  
their Marshes,  
&c.

Provided always, and be it further enacted by the Authority aforesaid, That nothing in this Act contained shall be a-  
ny

provided they  
hinder not the  
Works,

*nor to affect  
the Property of  
J. Theedam  
Gent. in the  
White Sands.*

ny ways prejudicial to, or be deemed or construed to extend any ways to affect, any Right, Title, Interest, or Property, that *John Theedam* of the Inner Temple, London, Gentleman, his Heirs, Executors, Administrators, or Assigns, hath of, in, and to the White Sands, Lands, and Hereditaments, herein before vested in the said *Nathaniel Kinderley*, his Heirs, and Assigns, or Nominees; but that the Right, Title, Interest, and Property of him the said *John Theedam* shall remain, continue, and be to him the said *John Theedam*, his Heirs, Executors, Administrators, and Assigns for ever, in such and the same Manner, as if this Act had never been made; any thing herein contained to the contrary thereof notwithstanding.

*Not to extend  
to Coal Mines,  
&c. which shall  
be discovered,*

Provided always, That nothing in this Act contained shall extend or be construed to extend to any Mines of Coal, or other Minerals of any Nature or Kind whatsoever, that now are, or at any time hereafter shall be found or discovered under the said White Sands, Ground, or Salt Grass, hereby vested or intended to be vested in the said *Nathaniel Kinderley*, his Heirs, Assigns, or Nominees, or to restrain any Lords, Owners, or Proprietors of any such Mines or Minerals under the said White Sands, Grounds, and Salt Grass, from having, taking, and receiving, to and for his, her, and their

own

own Use and Benefit, all such Mines and Minerals as now are, or shall at any time hereafter be found or discovered within their respective Liberties, under any Part of the said White Sands, Grounds, or Salt Grass, intended to be vested in the said Nathaniel Kinderley, his Heirs, Assigns, or Nominees, or from digging or sinking such a Number of Pits in the said White Sands and Salt Grass, as shall from time to time be thought proper and convenient, for getting the said Coals or other Minerals, or from having, using, and enjoying convenient Ways for the carrying and conveying the said Coals and Minerals from the said White Sands and Salt Grass, or for banking or stacking the same; but that the said several Parties shall and may take and enjoy all such Rights, Liberties, and Privileges, as he, she, or they might or could have done, if this Act had never been made; any thing herein contained to the contrary thereof in any wise notwithstanding.

Provided always, That nothing in this Act contained shall be construed to charge Lead, Litharge, Lead Ore, or Calamine raised and made in the County of Flint, which shall be put on Board any Lighter or Boat at Greenfield, or the Town of Flint, or any where between the said Places, in order to be put on Board any Ship or Vessel, or which shall actually be put on Board any Ship or Vessel

*but the Owners may dig and sink Pits in the said White Sands, &c. and carry away the Coals, &c.*

*nor to charge Lead, &c. made in the County of Flint, &c. unless it may be shipped 6d. per Tun cheaper than at Park Gate.*

at *Chester*, or in the River *Dee*, outward bound, out of such Lighter or Lighters, Boat or Boats, with any Tunnage whatsoever, unless after the said River is made navigable the Navigation should be so commodious, that by Means thereof such Lead, Litharge, Lead Ore, or Calamine shall and may be put on Board such Ships and Vessels at *Chester*, or in the River *Dee*, Six Pence *per* Tun cheaper from the several Places where the same is raised and made, than it now is put on Board Ships and Vessels at *Park Gate*, in which Case it is hereby declared and enacted, That such Lead, Litharge, Lead Ore, and Calamine, shall pay Tunnage after the Rate of Six Pence *per* Tun, and no more.

And whereas the said River *Dee* hath time out of Mind been, and now is, the Boundary between the Counties of *Chester* and *Flint*: And whereas the present Course of the said River is by the said intended Navigation to be altered and carried into the said County of *Flint*, a considerable Distance from the present Chanel, by means whereof the Boundaries of the said Counties of *Chester* and *Flint* will be rendered doubtful and uncertain, and may hereafter occasion Disputes, unless the same be provided against by this Act, be it therefore enacted by the Authority aforesaid, That no Alteration whatsoever, which shall or may be made in the Course of the Chanel

No Alteration  
of the Chanel to  
affect the  
Boundaries of  
*Chester*, &c.

Chanel of the said River *Dee*, by the said intended Navigation, shall or may alter or affect the Boundaries of the said Counties of *Chester* and *Flint*, but that the present Chanel of the said River *Dee*, and the Place through which the said Chanel now runs, shall, notwithstanding any such Alteration as aforesaid, for ever be and remain the Boundary of the said Counties; and that for the more effectual preventing all Disputes concerning the said Boundaries for the future, the said *Nathaniel Kinderley*, his Heirs, Assigns, and Nominees, shall at his and their Costs and Charges, as soon as the new intended Navigation shall be perfected, set up, and from time to time maintain and keep sufficient Meer Stones, or other proper Marks, for the distinguishing and ascertaining the said Boundaries, according to the directions aforesaid.

*N. Kinderley to set up Meer Stones, for distinguishing the Boundaries.*

And be it enacted by the Authority *Publick Act*. aforesaid, That this Act shall be taken and allowed in all Courts within this Kingdom as a publick Act, and all Judges and Justices are hereby required as such to take Notice thereof, without specially pleading on the same; and all Mayors, Justices, Sheriffs, Bailiffs, Constables, and all other Officers and Ministers of Justice, are hereby required to be aiding and assisting to the said *Nathaniel Kinderley*, his Heirs, Assigns, or Nominees, and to all such Officers, Seryants, and Workmen,



men, as shall be employed by him, them, or any of them, in the Execution of this Act, or any of the Powers or Authorities hereby given.

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F I N I S.

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